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10/566,740	03/17/2006	Jorg Heuer	071308.1021 (2004P04159WO)	9698
31625	7590	06/19/2009	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			CASCA, FRED A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,740

Applicant(s)

HEUER ET AL.

Examiner

FRED A. CASCA

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on April 6, 2009. Claims 75-111 are still pending in the present application.

Election/Restriction

2. Applicant's election of claims 75-101 in the reply filed on April 6, 2009 is acknowledged and **will be treated as an election without traverse**. See MPEP § 818.03(a) and form paragraph 8.25.02. Claims 1-74 and 102-111 have been cancelled.

Abstract

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "According to the disclosure," "According to the invention," etc.

Claim Objections

4. Claim 81 is objected to because at the end of the claim 81, the acronym (EG) needs to be spelled out. Correction is required.

Claim 87 is objected to because in line 5 the acronym MMSC needs to be changed to SMSC.

Claim 92 is objected to because in the middle of second line the "of" needs to be changed to an "or."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 75-76, 79, 81, 82, 86-93 and 100-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rukman (US 2004/0185883 A1) in view of Laumen et al (US 2003/0109269 A1).

Referring to claim 75, Rukman discloses a method for transmitting service messages in a network (abstract and Fig. 1), the method comprising the steps of:

registering a terminal having a network system address with a server (Fig. 1, note that clients 104, 102 and 114 are registered);

receiving terminal device information and control information for server-side configuring of the communication system, including a communication system address for the terminal (Fig.

I, note that terminal device information and control information are inherent in mobile networks in order for communication to take place between a terminal device and the network);

accepting a service message at the server from a service center in accordance with a predetermined transmission protocol (Par. 26, lines 6-8 and Fig. 2-3);

performing terminal-specific configuration at the server using the terminal device information and control information to generate a terminal-specific configuration template and terminal-specific parameterized configuration profile (Par. 11-14 and Figures 2-5);

identifying the addressee of the service message and sending a notification message to the identified addressee of the received service message with an addressing scheme for collecting the content of the service message (Fig. 2-5 and Par. 2-4 and 8, note that identifying an addressee of a service message and sending a notification message to the addressee is inherent in SMS, MMS and email communications);

transmitting the content of the service message from the server to the terminal by means of a retrieval request conveyed to the server (Fig. 2-5 and Par. 2-4 and 8, "SMSC", note that transmitting of message contents from server to the terminal by means of a retrieval request is inherent in SMS and MMS);

and producing an audio/visual presentation message (Par. 9, note that MMS provides audio/visual presentations), based on a pre-specified presentation format (Par. 15, lines 8-12), from the service message using the formatted structure information and the terminal-specific configuration profile, and conveys said presentation message to the terminal (Par. 15, lines 8-12 and Par. 11).

Rukman does not specifically disclose disassembling the service message into individual components, and analyzing the structure of the components to obtain formatted structure information.

Laumen discloses disassembling the service message into individual components, and analyzing the structure of the components to obtain formatted structure information (Par. 5).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Referring to claim 76, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose the terminal generates a message content for a further service message intended for a subscriber in the network (see rejection of claim 1), further comprising: producing a service message generating template at the server using the device information based on a predetermined presentation format, for generating the further service message, and transmits said service message generating template to the terminal (Rukman, Fig. 2-5 and Par. 11-15); and forwarding the generated message content to the received service message generating template and transmitting the service message generating template, augmented with the message content, to the server in accordance with a predetermined transmission protocol; generating the further service message, from the service message generating template furnished with the message content and transmitting the further service message intended for the subscriber in the network to the service center (Rukman, Fig. 2-5 and Par. 11-15).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman in the format claimed by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Referring to claim 79, the combination of Rukman/Laumen discloses the method according to claim 75 and further disclose wherein the terminal comprises one of a set-top box (STB), a smart telephone (STF), a "Personal Digital Assistant" (PDA), a cordless base station (BS), a personal computer (Par. 6).

Referring to claim 81, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose the device information indicates the type, characteristics, or features of the terminal (Fig. 1 and Par. 24 and 26, note that a network must know information about type and features of a terminal).

Referring to claim 82, the combination of Rukman/Laumen discloses the method according to claim 75, and inherently disclose the control information comprises a password, the type and scope of a notification message (MN), a personal profile of the terminal user and/or personal preferences of the terminal user (Par. 4, 24 and 26).

Referring to claim 86, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose wherein registering of the terminal with the server is performed offline directly with the operator of the server by entering the network-specific network address on the server or by registering and logging on via WEB forms, with the server

keeping track of a current status by registering a legitimacy, along with a terminal user's personal profile, a terminal type and characteristics, and storing the terminal user's personal preferences in terms of presenting and interacting (Fig. 1-5, note that registering offline before terminal distribution is inherent).

Referring to claim 87, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose wherein the protocol between the server and the service center comprises one of: a "Multimedia Message Service Center (MMSC)" forwarding a MMS- specific "Protocol Data Unit (PDU)" to the server; a "Short Message Service Center (MMSC)" forwards a SMS-specific "Protocol Data Unit (PDU)" to the server; an "Instant Messaging Service Center (IMSC)" forwards "instant messages" to the server using an SIP redirector; an "Electronic Mail Service Center (EMailSC)" forwards e-mails to the server, and a "Voice Mail Service Center (VMailSC)" which accepts voice mails as e-mails or, as a gateway, accepts calls and forwards them to the server as e-mails or SIP messages (see Par. 11-15 and the rejection of claim 1).

Referring to claim 88, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose wherein an editing unit of the server further accepts attachments to the message content of the service message and converts them into a graphic format supported by the terminal, with said editing unit recognizing the files added as an attachment from the respective ending of the ID code, executing a suitable processing program for the respective file type to incorporate a device driver for output in a specific graphic format,

and, via said program, converting the respective file into a suitable format for the terminal (Par. 11-15 and Lauman Par. 5).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman in the format claimed by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Referring to claim 89, the combination of Rukman/Laumen discloses the method according to claim 75 and further discloses the structure information obtained from the analysis is processed to form a compilation, where the modality of media is converted into a series of related individual files (Fig. 11-15 and Fig. 2-5).

Referring to claim 90, the combination of Rukman/Laumen discloses the method according to claim 89, and inherently disclose the media is analyzed in terms of secondary information comprising at least one of author identification, the time of the recording and place of the recording, and wherein metadata generated during said analysis is assigned to the structure information (Fig. 11-15 and Fig. 2-5).

Referring to claim 91, the combination of Rukman/Laumen discloses the method according to claim 90 and further discloses the structure information is a MPEG-7 format (Par. 7).

Referring to claim 92, the combination of Rukman/Laumen discloses the method according to claim 75, and further disclose the notification message is transmitted to the server during of after a time period where the terminal is logging on to the server (Lauman, Par. 24).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman in the format claimed by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Claim 93, the combination of Rukman/Laumen discloses the method according to claim 75, and further discloses the notification message is transmitted to the server during a time period where the presentation message is retrieved from the notification message (Lauman, Par. 24).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the method of Rukman in the format claimed by incorporating the teachings of Lauman for the purpose of providing an efficient communication system.

Referring to claim 100, the combination of Rukman/Laumen discloses the method according to claim 75, and further discloses if the session is interrupted, the server will keep track of the status of message retrieving through transmitting of the retrieval request by the terminal by storing the status so that the session can be resumed at a later time (see rejection of claim 1. Note that keeping track and retrieving is inherent in SMS and MMS networks).

Claim 101 recite features analogous to the features of claim 75, thus the combination of Rukman/Laumen discloses all elements of claim 101 (see the rejection of claim 75 above).

7. Claims 77, 78, 80, 83-85 and 94-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rukman (US 2004/0185883 A1) in view of Laumen et al (US 2003/0109269 A1) and further in view of well known prior art (MPEP 2144.03).

Referring to claim 77, the combination of Rukman/Laumen discloses the method according to claim 75.

The above combination does not specifically disclose at least one of the server connections is a "Transmission Control Protocol/Internet Protocol (TCP/IP)" connection. The examiner takes official notice of the fact that a TCP/IP connection is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 78, the combination of Rukman/Laumen discloses the method according to claim 75.

The combination does not specifically disclose one of a telephone number, an e-mail address, a "session Initiation Protocol (SIP)" and a "Universal Resource Identifier (URI)" is used as the network address and an IP address is used as the communication system address.

The examiner takes official notice of the fact that using one of an e-mail address, a "session Initiation Protocol (SIP)" and a "Universal Resource Identifier (URI)" as the network address and an IP address as the communication system address is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 80, the combination of Rukman/Laumen discloses the method according to claim 79.

The combination does not specifically disclose wherein the terminal further comprises a universal interface to the packet-oriented connection via which the terminals are connected in accordance with a packet-oriented short-range radio or line-linked connection protocol either directly to the server or indirectly to the server by the base station or set-top box.

The examiner takes official notice of the fact that universal interface to the packet-oriented connection so that the terminals are connected in accordance with a packet-oriented short-range radio is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 83, the combination of Rukman/Laumen discloses the method according to claim 75.

The combination does not specifically disclose wherein a "Simple Mail Transfer Protocol (SMTP)" is used as the protocol between the server and service center and a "HyperText

Transfer Protocol (HTTP)" or "Session Initiation Protocol (SIP)" is used as the protocol between the server and terminal.

The examiner takes official notice of the fact that combining a "Simple Mail Transfer Protocol (SMTP)" as a protocol between the server and service center and a "HyperText Transfer Protocol (HTTP)" or "Session Initiation Protocol (SIP)" as the protocol between the server and terminal is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 84, the combination of Rukman/Laumen discloses the method according to claim 75.

The combination does not specifically disclose wherein one of a "HyperText Markup Language (HTML)", an EXtensible Markup Language (XML)", a "WAP (Wireless Application Protocol) Markup Language (WML)" and a "Synchronized Multimedia Integration Language (SMIL)" is used as the presentation format for the presentation message and the service message generating template.

The examiner takes official notice of the fact that using one of a "HyperText Markup Language (HTML)", an EXtensible Markup Language (XML)", a "WAP (Wireless Application Protocol) Markup Language (WML)" and a "Synchronized Multimedia Integration Language (SMIL)" as the presentation format for the presentation message and the service message generating template is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 85, the combination of Rukman/Laumen discloses the method according to claim 75.

The combination does not specifically disclose wherein an "EXtensible Style Sheet Language Transformation (XSLT) is used for generating the configuration profile.

The examiner takes official notice of the fact that using "EXtensible Style Sheet Language Transformation (XSLT) for generating the configuration profile is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 94, the combination of Rukman/Laumen discloses the method according to claim 75.

The combination does not specifically disclose wherein the terminal comprises a set-top box communicatively coupled to a television set, and wherein the notification message is transmitted directly during the television program in progress.

The examiner takes official notice of the fact that a set-top box communicatively coupled to a television set, and wherein the notification message is transmitted directly during the television program in progress is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 95, the combination of Rukman/Laumen discloses the method according to claim 94.

The combination does not specifically disclose wherein the notification message already contains elements of the service message and is in the form of an instant message.

The examiner takes official notice of the fact that a notification message already containing elements of the service message and being in the form of an instant message is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 96, the combination of Rukman/Laumen discloses the method according to claim 94.

The combination does not specifically disclose when the notification message is presented on a television screen, the television program in

progress will automatically be recorded in the manner of time-shifted viewing then resumed without interruption on the screen when the notification has been acknowledged.

The examiner takes official notice of the fact that a notification message being presented on a television screen, the television program in progress will automatically be recorded in the manner of time-shifted viewing then resumed without interruption on the screen when the notification has been acknowledged is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 97, the combination of Rukman/Laumen discloses the method according to claim 96.

The combination does not disclose wherein the display of the presentation message and notification message on the television screen is subdivided into 4 quadrants, with the content of the message archive being displayed in a first quadrant and the television program in progress being displayed in a second quadrant, while the respective message and current media being respectively displayed in a third and a fourth quadrant.

The examiner takes official notice of the fact that displaying of the presentation message and notification message on the television screen being subdivided into 4 quadrants is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 98, the combination of Rukman/Laumen discloses the method according to claim 97.

The combination does not specifically disclose wherein the set-top box is assigned cursor keys with said cursor keys being used to navigate and select messages in a message archive, and to change views between the quadrants.

The examiner takes official notice of the fact that the assigning set-top box cursor keys so that cursor keys being used to navigate and select messages in a message archive, and to change views between the quadrants is well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Referring to claim 99, the combination of Rukman/Laumen discloses the method according to claim 98.

The combination does not specifically disclose wherein a television remote control unit or a computer keyboard is used as the remote control instrument.

The examiner takes official notice of the fact that remote controls are well known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient communication system.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED A. CASCA whose telephone number is (571)272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617